

**05-608 MEDIMMUNE, INC. V. GENENTECH, INC., ET AL.**

DECISION BELOW: Unpublished

LOWER COURT CASE NUMBER: 04-1300, 04-1384

QUESTION PRESENTED

Does Article III's grant of jurisdiction of "all Cases . . . arising under . . . the Laws of the United States," implemented in the "actual controversy" requirement of the Declaratory Judgment Act, 28 U.S.C. § 2201(a), require a patent licensee to refuse to pay royalties and commit material breach of the license agreement before suing to declare the patent invalid, unenforceable or not infringed?

Cert. Granted 2/21/06